

3554 Round Barn Blvd., Suite 303  
Santa Rosa, CA 95403  
[essiplaw@pacbell.net](mailto:essiplaw@pacbell.net)  
707) 528-6015 (fax)  
707) 579-0580 (voice)  
[www.lawyers.com/essiplaw](http://www.lawyers.com/essiplaw)

Edward S. Sherman, Ph.D.  
Patent Attorney

**Fax**

RECEIVED  
CENTRAL FAX CENTER

JAN 30 2006

**To:** Lieneetha Dyar and Harry Grosso, **From:** Edward S. Sherman  
Art Unit 3727

**Fax:** 571-273-8300

**Pages:** 1

**Phone:** [Click here and type phone number]

**Date:** 1/30/2006

**Re:** Appl. Serial # 10/766,221

**Docket #:** 137.12

☒ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☒ **Please Reply**    ☐ **Please Recycle**

This fax is a follow up to my phone messages regarding the Notice of a Non-Compliant Amendment mailed on 1/15/2006 in the above application.

The notice states that the amendment filed Jan. 9, 2006 was deemed non-compliant in that drawings were not properly identified and noted in the remarks.

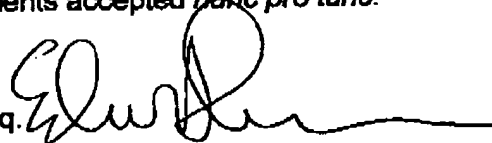
The amendment was compliant because no attempt was made to amend the drawings, nor was one required.

Exhibits 1 and 2 (which have apparently been confused with drawing Figures that would constitute part of the application) are intended to supplement my verbal arguments with Examiner Grosso. This is stated on pages 9 and 10 of my response. Exhibits 1 and 2 are clearly marked as Exhibits to avoid confusion with drawing figures.

As the Office is clearly in error, the above Notice should be withdrawn, and the amendments and arguments accepted *nunc pro tunc*.

Sincerely,

Edward S. Sherman, Esq.



Notice: The information contained in (and attached to) is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an Attorney-Client communication and as such is privileged and confidential. If you receive this communication in error please notify us by reply phone or e-mail and destroy any copies thereof, including attachments.